



## **ONE YEAR ANNIVERSARY ALERT TO ALL PROPERTY OWNERS AFFECTED BY THE MT. LEMMON/ASPEN FIRESTORM**

**MAY, 2004**

### **BE AWARE THAT:**

- 1) The one-year anniversary of the firestorm is fast approaching. The anniversary date of the destruction of your property is very important if your insurance claim has not been fully or fairly settled.**
- 2) The one-year anniversary is important because there are two different ways your legal rights against an insurance company or agent can be affected by the passage of time. One is a time limit stated in the insurance policy contract itself. The other is a time limit stated in Arizona law.**
- 3) Check your policy for a "Suit Against Us" clause that cuts off your right to file a legal claim against the insurance company. The cut off in most policies is generally ONE YEAR AFTER THE DATE OF LOSS OR DAMAGE. If your policy contains such a clause the safest course of action is to presume that the clause will be enforced.**
- 4) Arizona law has different, longer time limits on lawsuits. These are called "statutes of limitations." They range between 2 and 6 years, depending on the type of suit.**
- 5) If your insurance policy contains a 1-year "Suit Against Us" clause, and you choose to ignore the clause and assume an Arizona court will allow you to proceed with a legal claim later, you are taking a serious risk. A court may or may not allow the Suit Against Us limitation to be over-ridden by Arizona law.**
- 6) To preserve your legal rights and claim negotiating leverage, if you can't or don't consult an attorney before the anniversary you should enter into a "tolling agreement" with your insurance company and agent. A tolling agreement means the insurer and agent agree to extend the suit deadline for a specified period while your claim continues to be adjusted.**
- 7) To be safe and preserve your legal rights and claim negotiating leverage, you should consult with an attorney before the anniversary date.**
- 8) Find an attorney who has experience and a track record representing home and property owners in disputes against insurance companies and agents.**

## **RESOURCES**

**"Underinsurance rears its ugly head again"**

<http://www.unitedpolicyholders.org/newsletters/winter03.html>

**"Underinsurance - A Consumer Fraud Not an Agent Error or Omission"**

<http://www.unitedpolicyholders.org/pdfs/underinsurance2.pdf>

**Insurance Help Resources for Arizona Homeowners**

[http://www.unitedpolicyholders.org/aspen\\_firestorm.html](http://www.unitedpolicyholders.org/aspen_firestorm.html)

(Link to AZ. Dept of Insurance, etc.)

**General Information**

[www.unitedpolicyholders.org](http://www.unitedpolicyholders.org) (See Claim Tips, Newsletters)

***\*NOTICE:** The information presented in this bulletin is for general informational purposes, and should not be taken as legal advice. It is not intended for use by any individual to determine what action to take with respect to a particular insurance claim. United Policyholders does not sell insurance or certify, endorse or warrant insurance products or vendors, attorneys or claim professionals. United Policyholders is not a referral service. United Policyholders thanks Michael Mandig, Esq. for his pro bono assistance researching Arizona law for the preparation of this informational bulletin.*

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